

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants	: Peter R. NEUWALD et al.	Confirmation No. 5431
Serial No	: 10/628,254	Examiner: B. R. Bruckart
Filed	: July 29, 2003	Group Art Unit: 2155
For	: J2EE ENTERPRISE INFORMATION SYSTEM (EIS) COMMON OBJECT REQUEST BROKER ARCHITECTURE (CORBA) CONNECTOR	

REPLY BRIEF UNDER 37 C.F.R. §41.41

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Examiner's Answer, dated March 26, 2008, to the Appeal Brief filed on February 22, 2008, for which a two-month period for filing a Reply Brief under 37 C.F.R. §41.41 is set to expire on May 27, 2008 (May 26, 2008 falling on a Federal holiday), Appellants submit the present Reply Brief.

Appellants maintain that each reason set forth in the Appeal Brief filed February 22, 2008 for the patentability of the pending claims is correct and again request that the decision to reject claims 1-25 be reversed and that the application be returned to the Examining Group for allowance.

REMARKS

The "Grounds of Rejection" at pages 3-8 of the Examiner's Answer dated March 26, 2008 appears to be substantively identical to the "Claim Rejections" at pages 2-7 of the Final Official Action dated August 29, 2007. However, the "Grounds of Rejection" adds citations to portions of the specification of BLACK (U.S. Patent Application Publication No. 2004/0039800) that were not cited in rejections of the pending claims in previous Office Actions.

The Appeal Brief filed February 22, 2008 has fully addressed the substance of each rejection and the requirements for patentability under 35 U.S.C. §102 and 35 U.S.C. §103. Accordingly, the herein-contained remarks are supplemental to the Appeal Brief, and additionally address the "Response to Arguments" at pages 9-12 of the Examiner's Answer. In order to facilitate review of this Reply Brief, the present remarks are limited to a discussion of exemplary independent claim 1 of the present application.

Claim 1 is directed to a method of managing connections between a Java 2 enterprise edition (J2EE) application server and a remote common object request broker architecture (CORBA) enterprise information system, comprising: integrating a resource adapter with the J2EE application server, the resource adapter comprising an encapsulated CORBA interface to the remote CORBA enterprise information system; and establishing a persistent CORBA connection between the J2EE application server and the remote CORBA enterprise information system. Claim 1 was rejected under 35 U.S.C. §102(e) over BLACK et al., (U.S. Patent Application Publication No. 2004/0039800).

As set forth previously in Appellants' Appeal Brief, the rejection of claim 1 is best

understood as based on assertions that:

- an Instance of Enterprise Java Beans (EJB) 560 in BLACK discloses the J2EE application server of claim 1 (see Examiner's Answer, page 9);
- a CORBA server 540A in BLACK discloses the CORBA enterprise information system of claim 1 (see Examiner's Answer, pages 9-10);
- an interface between the CORBA server 540A and the Instance of Enterprise Java Beans (EJB) 560 in BLACK discloses the resource adaptor of claim 1 (see Examiner's Answer, page 10); and
- the Instance of Enterprise Java Beans (EJB) 560 in BLACK discloses the encapsulated CORBA interface (not specifically addressed in the Examiner's Answer, but see Advisory Action, Continuation Sheet - page 2).

This interpretation of the various embodiments and the prior art described in BLACK is incorrect, and BLACK does not disclose the combination of features recited in claim 1.

Initially, Appellants note that BLACK includes multiple embodiments. However, the rejection of claims over BLACK applies different embodiments shown in Figures 5A/5B and 5C/5D, as well as prior art to BLACK which BLACK specifically and intentionally avoided. Mixing and matching teachings of these inconsistent embodiments and the prior described in BLACK is improper.

In this regard, differences between the embodiments of Figures 5A/5B and 5C/5D include the absence in Figure 5A of the JNDI 555 shown in Figure 5C. As shown in Figure 5C of BLACK, the JNDI 555 is shown to separate the functionality of the CORBA Server 540a and the

Instances of Enterprise Java Beans. Although the CORBA Server 540a and the Instances of Enterprise Java Beans are physically separated in the embodiment shown in Figure 5A, the embodiment of Figures 5C/5D further emphasizes the separation with the functional separation of the JNDI 555 shown in Figure 5C. These distinctions are relevant to an analysis of BLACK in that the rejection of claim 1 as best understood is based on assertions that an element 582 of the CORBA server 540a comprises an Instance of Enterprise Java Beans. However, the two embodiments of BLACK shown in Figures 5A/5B and 5C/5D both show a physical separation, and the embodiment of Figures 5C/5D further shows the functional separation with the JNDI 555.

Furthermore, the Examiner's Answer cites the acknowledged prior art in Figures 4A and 4B of BLACK as showing distribution of a CORBA Server and a Java Virtual Machine among Middle-Tier Hardware components. However, the cited embodiments in Figures 5A/5B and 5C show the CORBA Server 540a contained within a Container 530a, which in turn is contained within a single Middle-Tier Hardware component 520a. The description of the embodiments of BLACK at paragraph [0059] emphasizes that the CORBA server 540 may access Instances of Enterprise Java Beans using a local interface, unlike the acknowledged prior art systems shown in Figures 3A to 4B which require access through remote interfaces or remote protocols.

Thus, the embodiments of Figures 5A/5B and 5C/5D are inconsistent alternatives, and each is a distinct and inconsistent improvement of the applied prior art to BLACK. However, both embodiments and the acknowledged prior art in BLACK are applied in the rejections. The alternative and inconsistent features shown in these embodiments and in the prior art in BLACK

are not properly combined and applied in a rejection under 35 U.S.C. §102.

A copy of Figure 5B in BLACK is again provided for convenience:

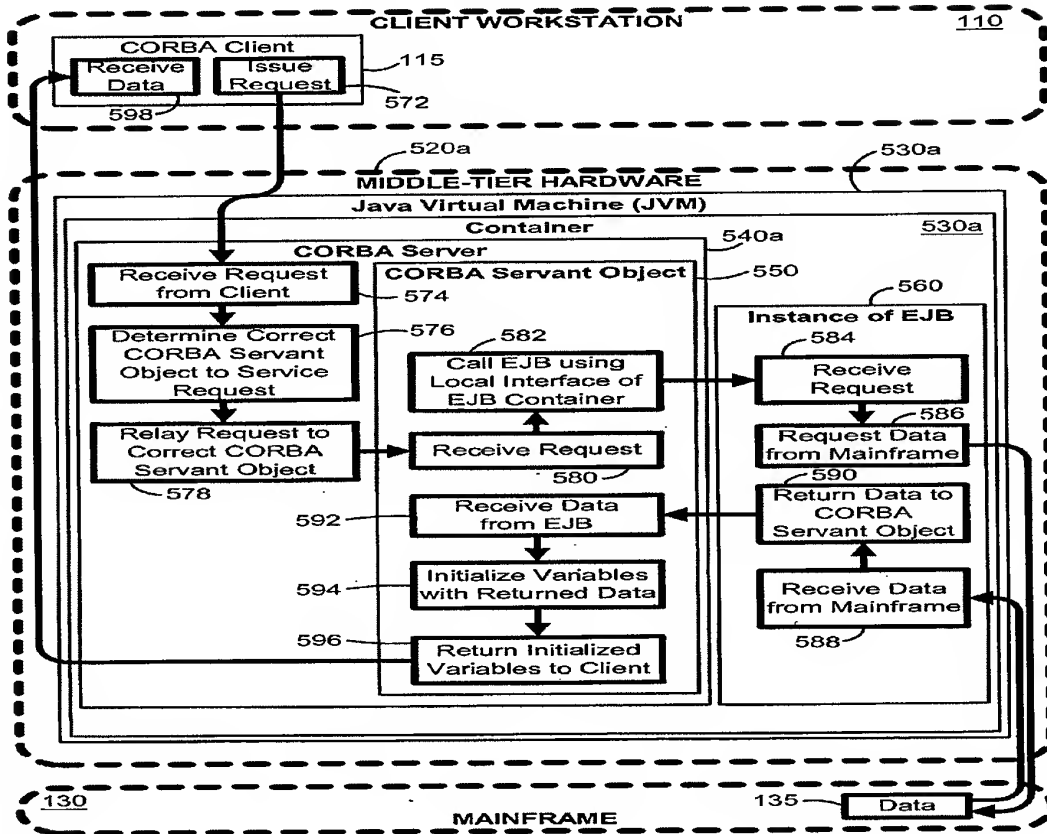


FIG. 5B

In Figure 5B, a CORBA server 540A is a component of a Container 530A at a Java Virtual Machine (JVM). The Container 530A also includes the Instance of Enterprise Java Beans 560. The Java Virtual Machine is implemented on the Middle-Tier Hardware 520A. As shown in element 582 of Figure 5B in BLACK, a local interface of the Instance of Enterprise Java Beans (EJB) 560 is used by a CORBA Servant Object 550 of the CORBA server 540A to

call the Instance of Enterprise Java Beans 560.

An Instance of Enterprise Java Beans (EJB) 560 in BLACK does not disclose a J2EE application server, as recited in claim 1. Rather, the only server contained in the Container 530A in BLACK is the CORBA server 540A. There is no proper basis for interpreting an Instance of Enterprise Java Beans 560 in a manner not supported by the specification of BLACK. Yet, the rejection of claim 1 is premised on such an improper interpretation.

A local interface between the CORBA server 540A and the Instance of Enterprise Java Beans in BLACK does not disclose the resource adaptor of claim 1. Rather, BLACK does not disclose whether the local interface between the CORBA server 540A and the Instance of Enterprise Java Beans (EJB) 560 is independent, integrated with the Instance of Enterprise Java Beans (EJB) 560 or integrated with the CORBA Server 540A. Further, element 582 in Figure 5B of BLACK explicitly discloses that the function “Call EJB using Local Interface of EJB Container” is performed by the CORBA Server 540A and not the Instance of Enterprise Java Beans 560. Moreover, paragraph [0061] of BLACK discloses “upon receiving (580) the request, the CORBA servant object 550 calls (582) the Instance of the EJB 560 using the local interface of the EJB”. Accordingly, an Instance of Enterprise Java Beans (EJB) 560 in BLACK is not properly interpreted as a J2EE application server, as recited in claim 1, and a local interface in BLACK is not properly interpreted as a resource adaptor integrated with such a J2EE application server, as recited in claim 1.

Moreover, the Instance of Enterprise Java Beans (EJB) 560 in Figure 5B does not disclose the encapsulated CORBA interface of a resource adaptor, as recited in claim 1. Rather,

the Instance of Enterprise Java Beans (EJB) 560 is not itself an interface.

Further, the Instance of Enterprise Java Beans 560 is shown to be separate from element 582 in, e.g., Figure 5B of BLACK. Accordingly, element 582 in Figure 5B of BLACK is not properly interpreted as the resource adapter of claim 1, and an Instance of Enterprise Java Beans 560 is not properly interpreted as an encapsulated CORBA interface of claim 1. That is, these distinct and separate features are not properly interpreted as a “resource adapter comprising an encapsulated CORBA interface”.

Additionally, the Instance of Enterprise Java Beans 560 in Figure 5B is included in the same Container 530, Java Virtual Machine (unnumbered) and Middle-Tier Hardware component 520a in Figure 5B. Accordingly, there is no proper basis for interpreting the Instance of Enterprise Java Beans 560 in Figure 5B as the encapsulated CORBA interface of claim 1, and the CORBA Server 540a in Figure 5B as the CORBA enterprise information system of claim 1, where claim 1 recites “the resource adapter comprising an encapsulated CORBA interface to the remote CORBA enterprise information system” (emphasis added).

The interpretation of the Instance of Enterprise Java Beans 560 as “remote” from the CORBA Server 540 is also inconsistent with the interpretation of the Instance of Enterprise Java Beans 560 as being the J2EE application server recited in claim 1. In this regard, at page 9 the Examiner’s Answer misinterprets the Instance of Enterprise Java Beans 560 in BLACK as the J2EE application server recited in claim 1. Accordingly, while arguing that the Instance of Enterprise Java Beans 560 is “remote” from the CORBA Server 540a in one aspect of the rejection, the Examiner’s Answer asserts that the Instance of Enterprise Java Beans is a J2EE

Server by virtue of proximity or relationship with the CORBA Server 540A. This is, of course, an inconsistent and incorrect interpretation of BLACK, and does not support a proper rejection of claim 1 under 35 U.S.C. §102.

BLACK also does not disclose that a connection between the Instance of Enterprise Java Beans (EJB) 560 and the CORBA server 540a is persistent. At page 11 of the Examiner's Answer, "persistent" as recited in the claims is not interpreted in light of the use of the term "persistent" in the specification, but is instead interpreted according to an arbitrary definition established by the Examiner without basis in proper evidence. In this regard, BLACK describes at paragraphs [0060] to [0062] that the Instance of Enterprise Java Beans (EJB) 560 is called upon receiving a request from a remote CORBA client 115, and the request is serviced based upon the nature of the request. Any connection established between the Instance of Enterprise Java Beans (EJB) 560 and the CORBA server 540a is temporary and based upon the nature of the call (i.e., thus, per-call) and not persistent.

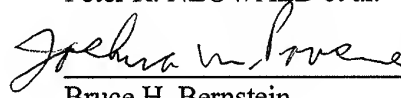
As described above, claim 1 is allowable under 35 U.S.C. §102 over BLACK. Claims 9 and 17 are also allowable under 35 U.S.C. §102 over BLACK for the numerous reasons set forth in Appellants' previous Appeal Brief as well as those additional reasons set forth above with respect to claim 1 (i.e., insofar as claim 1 recites features similar to the features of claims 9 and 17). The rejections of dependent claims are also in error for the reasons set forth in the Appeal Brief, as well as for the reasons set forth above, in that they each depend from an allowable independent claim.

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At least for each of the reasons set forth above, as well as the reasons set forth in Appellants' previous Appeal Brief, the decisions to reject claims 1, 9 and 17 under 35 U.S.C. §102(3) over BLACK, and claims 2-8, 10-16 and 18-25 over BLACK in view of SCHUNK, are improper, and reversal of the decision to reject claims 1-25 is respectfully requested.

If there are any questions about this application, any representative of the U.S. Patent and Trademark Office is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Peter R. NEUWALD et al.


Bruce H. Bernstein
Reg. No. 29,027

Joshua M. Povsner
Reg. #42,086

May 22, 2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191